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SUBJECT: PARLIAMENT PASSES LAW ON ASSOCIATIONS DESPITE
CIVIL SOCIETY OBJECTIONS

REF: A. AMMAN 1465

[1](#)B. AMMAN 1533

[1](#)C. AMMAN 1139

[1](#)D. INTERNATIONAL CENTER FOR NOT-FOR-PROFIT LAW -
"COMMENTS ON THE JORDANIAN DRAFT LAW ON
SOCIETIES 2008"

[1](#)E. 06 AMMAN 5222

[1](#)F. HUMAN RIGHTS WATCH - "SHUTTING OUT THE CRITICS"
(2007)

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Classified By: Charge d'Affaires Daniel Rubinstein
for reasons 1.4 (b) and (d)

[1](#)1. (C) Summary: Jordan's lower house of parliament has passed a new law on associations which places restrictions on civil society. The law passed in spite of vocal protests from a broad spectrum of civil society leaders. In the end, tribal conservatives flexed their political muscles in parliament, taking on faith the government's argument that the law would help to rein in Jordan's "corrupt" civil society. A key portion of the legislation requires cabinet approval for Jordanian NGOs who wish to accept foreign funding - a measure that gives Jordan's government significant leverage, and may implicate the Muslim Brotherhood in particular (septel). The true impact of the law on the day to day operations of civil society will depend on the government's zeal in enforcing it. The failure of civil society to mobilize a coherent campaign against the bill is yet another indication of its weakness. End Summary.

[1](#)2. (C) On July 7, the lower house of parliament passed a new law on associations, which will govern the operations of civil society in Jordan. The law has emerged from a Senate committee without changes, and will likely pass without further amendment before the extraordinary session ends on July 10. There were great hopes for this new statute from the outset - it was a replacement for a widely criticized draft which was withdrawn by the government in January (Ref A). Indeed, the new bill's authors (a USAID contractor and the Minister of Social Development) produced a law that was largely favorable to civil society. As the bill moved through the more conservative, control-oriented ministries such as Interior and Justice, however, it was changed to resemble in large part the bill which was previously withdrawn. Advocates of greater political space for civil society buckled in the end to those who argued that Jordanian civil society was unnecessarily critical of governmental policies, in need of corporate governance reform, and open to nefarious foreign interference.

[1](#)3. (C) The law places significant burdens on civil society, and gives the government broad powers to intervene in the affairs of non-governmental organizations. The new law helpfully centralizes registry of civil society organizations in the Ministry of Social Development, but also allows the Ministry to reject registration applications for any reason.

The Ministry was also given sweeping powers over the internal management of associations, including: the ability to dissolve associations which "fail to achieve their goals"; the ability to appoint new boards of directors for associations which violate their own bylaws or receive unauthorized funds from abroad; the right to send two representatives to any board meeting; the right of refusal in the event that two associations wish to merge their operations; and the power to appoint an auditor to examine the finances of any association for any reason. The new law requires associations to inform the Ministry of Social Development of board meetings, disclose the names of its members, and obtain security clearances for its board members from the Ministry of Interior.

14. (C) Before the bill passed, Musa Khalaileh, chairman of the parliament's social development committee, outlined to poloff several amendments which were intended to make the law more palatable to civil society. "We are not going to make any hasty decisions, and we have already made several amendments to ease the restrictions on civil society," he noted. In the end, four amendments made it into the law, and most of these represented new restrictions on civil society. Two of these amendments had to do with limiting the terms of officers in civil society organizations. The heads of NGOs will be able to run for their positions indefinitely, but board members will only be allowed to serve for a maximum of two consecutive terms.

Foreign Funding

15. (SBU) One amendment in particular is likely to cause significant heartburn for civil society - it requires cabinet approval for Jordanian NGOs to receive funding from foreign

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sources (the original draft required permission only from the Minister of Social Development). In principle, this obligation will be offset by the creation of a government-run fund for civil society, but, as recent experience with a similar fund for political parties demonstrates, the timely emergence and distribution of that funding remain open questions (Ref C). In addition, the law allows the Minister of Social Development to seize any foreign-origin funding that is not being used "in conformity with the organization's goals."

16. (SBU) If actually and strictly enforced, the impact of this rule could be devastating on Jordanian NGOs, many of whom have long depended on funding from international sources (including the USG) for their day-to-day operations. It is unclear how the new requirement for seeking approval will work in practice. The original law gave the Minister of Social Development thirty days before funding would automatically be approved, and it is likely that the system will be the same for cabinet approval, but the details are still fuzzy. It is also unclear how the new law will impact local branches of foreign NGOs whose entire budgets may come from foreign sources.

17. (C) According to an unpublished analysis by the U.S.-based International Center for Not-for-Profit Law, the new law on associations may also violate parts of the 2003 US-Jordan Bilateral Investment Treaty (Ref D). Article V of the treaty requires that all transfers of funds between companies and other organizations (including non-profits) between the U.S. and Jordan be made "freely and without delay" - something that could be hindered by cabinet approval of foreign funding under the new law depending on the process which actually emerges. Article II.3.b of the treaty prohibits both parties from "impairing by unreasonable and discriminatory measures the management, conduct, (or) operation" of contracts between American and Jordanian organizations. According to the center's analysis, that article could be used to challenge the difference between

"national treatment" afforded to investment by American companies and the new barriers that the associations law erects for transfers of funds from American civil society organizations. The treaty also allows non-profit entities to seek arbitration in any dispute arising from investments or transfers of funds between the United States and Jordan.

¶8. (C) Foreign funding was a primary concern of civil society organizations in the debate surrounding the law. Many Jordanian NGOs have accepted foreign funding "off the books" for years. The new law introduces severe penalties for evading the new regime, including fines up to JD 10,000 (USD 14,000) and/or three months in jail per violation. While alleged corruption within civil society was painted as the main reason for the restrictions on foreign funding, it is widely felt by parliamentary contacts that government control over inflows of foreign funding was the primary goal, with a particular eye to external financing of the Muslim Brotherhood and affiliated charities. The impact of the law on the Muslim Brotherhood will be covered septel.

Gold Standard or Compromise?

¶9. (C) Sa'id Karajah, a lawyer who helped to write the legislation with USAID support, told AID staff that the "gold standard" law which he submitted was changed into an unrecognizable form. Second guessing his high hopes for the future of civil society in Jordan, Karajah still sees the law as a net positive in that it creates organizing principles for the sector. He believes that future incremental changes to the law will help to eliminate some of the more problematic additions. In the end, Karajah thinks that "daily life for most NGOs in Jordan will not change" as a result of the law, which is designed to give the government the future power of pre-emption should it desire to use it.

Civil Society Objects

¶10. (U) From the time of its introduction in parliament's extraordinary session, civil society activists used the press and other public forums to urge the parliament to reject the draft law on associations rather than simply amending it. Nidal Mansour, the director of the Center for Defending the Freedom of Journalists, remarked on June 17 that the law was "drafted quickly by the government without consulting (civil society), and gives full authority for the government to monitor our work and interfere in our decisions." Amneh Zu'bi, head of the Jordanian Women's Union, said that the law is "a step to cancel the role of civil society in Jordan." She noted that the law's penalties for financial

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mismanagement were "tough and exaggerated," and allowed ministries to confiscate the assets of civil society organizations with little recourse. Asma Khader, the Secretary-General of the Jordanian National Commission for Women, said the draft law would "push the democratic reforms in Jordan backwards" and cause civil society to "start fearing the government and avoid certain activities they think would anger the authorities." Khader further lamented the law's reliance on government ministries instead of the courts for enforcement.

¶11. (C) Fawzi Samhour, director of the pro-Palestinian NGO Roots, published an article-by-article denunciation of the law in the Islamist weekly Al-Sabeel on June 24. Samhour, an ardent secularist, believes that giving ministers the ability to intervene in the internal workings of civil society is an attempt to censor the sector's political agenda. While he grudgingly acknowledges that the consolidation of authority over civil society into the Ministry of Social Development is a net positive, he maintains that interference will thrive in the new regime just as much as it has under the current one. Samhour is

typical of our civil society contacts in that he automatically discounts any government role in the regulation of civil society as politically motivated, hostile, and therefore unacceptable.

Human Rights Watch Objects

¶12. (SBU) On June 30, Human Rights Watch (HRW) added its voice to the chorus of opposition, sending a letter to Prime Minister Dahabi and other governmental officials urging rejection of the bill. Saying that the new law was a "clear violation of international human rights standards" and "treats NGOs as an extension of the government", HRW further charged that the government's outreach to civil society had not resulted in any substantive amendments to the law itself.

HRW then offers an article-by-article critique of the law, emphasizing that it allows the government to restrict the ability of civil society to function in the event of an unfavorable political climate. Reacting to the HRW memos, Irbid MP Salah Al-Zu'bi publicly rejected "American intervention" in parliamentary business, chiding his colleagues for being "infiltrated by outside parties."

Ignoring the Critics

¶13. (SBU) When considering the associations law, parliament's social development committee held public hearings that allowed Jordanian civil society to vent. A stream of organizations appeared before the committee to recommend that the law be rejected or severely amended. Their voices were joined by leftist and Islamist MPs (who also formed a coalition of expediency to oppose the law on public gatherings, reported septel), who pushed for either defeating the bill or pushing it into the ordinary session in October for further discussion and amendment. Deputies from the Islamic Action Front, always eager to cause the government some embarrassment, and still smarting after the 2006 government takeover of the MB-associated Islamic Center Society on charges of financial malfeasance (ref E), led the charge against the bill and made multiple media statements against it.

¶14. (C) In the end, pro-government tribal conservatives demonstrated once again that they are the dominant force in parliament, easily passing the bill over the objections of the opposition. Pro-government MPs that we talked to accepted the government's argument about "corruption" within civil society, and saw the law as a way to maintain a stable political atmosphere by minimizing the potential for political dissent. Several used the term "chaos" to describe the non-governmental sector, and were hopeful that the law would promote moderate institutions which could support the existing policies of the government without challenging its political prerogatives. Haifa Abu Ghazaleh, a Senator and advocate of civil society empowerment, expressed her belief that the new law is "much better than before." She noted that "freedoms of speech, association, et cetera, need to be balanced with the misuse of authority by NGOs."

Comment

¶15. (C) PM Dahabi made a strong positive impression early in his tenure by his January decision to withdraw the earlier draft of the law in response to criticism from civil society.

In civil society's view, the goodwill and credibility gained from that step has been lost by what appears to be imminent

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passage of the new law, which fails to meet the criticisms leveled against the earlier version, i.e., that it enhanced government control, restricted NGOs' freedom of movement, and was drafted without input from civil society. The passage of the law on associations in its final form points to the lack

of capacity in Jordanian civil society to project its influence successfully into the political realm on some controversial issues. Despite the fact that civil society was unified in its opposition to the law, it was unable to organize an effective lobbying effort in the parliament, unable to rally the public behind its cause, and unable to form coherent arguments against the law's passage.

Rubinstein